THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27108 of 2006

22.2.2007

Between:

Eluri Nagamalleshwara Rao, S/o.Late Veeraiah
And others

… Petitioners

AND

The Deputy Executive Engineer, Panchayat Raj Sub Division, Pendurthi, Visakhapatnam
And others

… Respondents

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WRIT PETITION No.27108 of 2006

ORDER:

The three petitioners claim to be owners of house plots bearing Nos.141, 142 and 135 in survey Nos.24 to 26 of Bakkannapalem village of Visakhapatnam Rural Mandal. They stated that they purchased the plots in a Gram Panchayat approved layout under registered sale deeds. On 18.12.2006, the respondents allegedly came to the land and took measurements for laying a road. They contend that without due process of law, respondents are not entitled to lay road in their land.

After getting instructions, learned Assistant Government Pleader for Panchayats submits that the respondents are not laying any new road and that they are only strengthening/upgrading the existing road, which was laid about forty years ago. Therefore, this Court observes that while upgrading/strengthening the existing road if the petitioners' land is to be occupied, the respondents can do so only after following due process of law.

The writ petition, with the above observation, is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

February 22, 2007.
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